



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. Serial No.: 09/598,982

Attorney Docket No.: 34506.104

Filing Date: June 21, 2000

Group Art Unit: 1652

Applicants: MAFFITT et al.

Examiner: Ramirez

Title: RECOMBINANT PROTEOLYTIC TRYPTASES, ACTIVE SITE MUTANTS THEREOF, AND METHODS OF MAKING SAME

#11
MJJ
12/16/02

ELECTION OF SPECIES RESPONSE

BOX: FEE

Assistant Commissioner for Patents
Washington, D.C. 20231

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DEC 04 2002

TECH CENTER 1600/2900

Dear Sir:

Responsive to the Supplemental Election of Species dated May 22, 2002, the time period for response thereto being set to expire November 22, 2002, by virtue of the Petition for Three-Month Extension of Time and fee filed herewith, Applicants provisionally elect, for purposes of examination and with traverse, SEQ. ID. NO: 20.

REMARKS

Restriction and/or election of species is proper only if the restricted claims are independent or patentably distinct and there is no serious burden placed on the Examiner if restriction is not required (MPEP § 803). The burden is on the Examiner to provide reasons and/or examples to support any conclusion of patentable distinctness between the restricted claims (MPEP § 803). Applicants strenuously traverse the supplemental election of species requirement on the grounds that the Office has not carried the burden of providing any reasons and/or examples to support the conclusion that the claims of the restricted groups are, in fact, distinct, and further that there is little or no additional burden if the entire group of elected claims is examined in full.

As a preliminary matter, the Office has stated that "restriction for examination purposes as indicated is proper." Insofar as the Office has stated that the required election is for purposes of